

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 17-20283

v.

HON. LINDA V. PARKER

OLLIE NICHOLSON,

Defendant.

/

**United States' Response Opposing
the Defendant's Motion for Compassionate Release**

Ollie Nicholson pleaded guilty to a conspiracy to possess one kilogram or more of heroin and was sentenced to 121 months in prison. (R.46: Judgment). He recently filed a motion for compassionate release.

If a defendant makes such a motion, the district court may not act on it unless the defendant files it “after” either completing the administrative process within the Bureau of Prisons or waiting 30 days from when the warden at his facility received his request. 18 U.S.C. § 3582(c)(1)(A); *United States v. Alam*, --- F.3d ----, 2020 WL 2845694, at *2-*3 (6th Cir. 2020). As the Sixth Circuit explained in *Alam*,

exhaustion of administrative remedies is “a mandatory condition” that “must be enforced” when the government raises it. *Id.*

The Bureau of Prisons (or BOP) has no record of a request from Nicholson for compassionate release. The RIS (Reduction in Sentence) Coordinator at Milan FCI, where Nicholson is being held, confirmed that he has not received a request from Nicholson. And Nicholson makes no claim to have exhausted his administrative remedies. (R.47: Motion). Accordingly, the Court must dismiss Nicholson’s motion.

Nicholson’s motion should be dismissed without prejudice.

Respectfully submitted,

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United States Attorney

/s/ Benjamin C. Coats

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Dated: June 17, 2020

Certificate of Service

I hereby certify that on June 17, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

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